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10/591,227

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Haseeb Akhtar

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TROP, PRUNER & HU, P.C.
1616 S. VOSS ROAD, SUITE 750
HOUSTON, TX 77057-2631

EXAMINER

CHUGHTAI, SARWAT

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,227	Applicant(s) AKHTAR, HASEEB	
	Examiner SARWAT CHUGHTAI	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Response to Arguments

1. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-35 rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al. (5,983,099 hereinafter Yao) in the view of Mizell et al. (US 7,420,951 B1 hereinafter Mizell).

Regarding claim 1, Yao discloses, A method of communicating in a wireless network (**See Abstract; whereas Yao discloses method for providing an accelerated response to a push to talk origination message**), comprising:

pre-allocating, interactive communications application (**See Column 6, Lines 50-60, Column 8, Lines 15-21 and Figure 1; whereas Yao discloses connection from the air interface through the switch and back to the resource which is creating the forward link broadcast channel**), resources of at least one node of the wireless network, the pre-allocated resources comprising resources normally allocated in response to a call setup request (**See Column 7, Lines 1-12 and Figure 1; whereas Yao discloses access channel in reverse link channel used by remote unit for communicating to the base station**);

receiving a first call setup request after pre-allocating the resources (**See Column 7, Lines 1-12 and Figure 1**); and

establishing, in response to the first call setup request, a packet-switched real-time (**See Column 7, Lines 1-12, Column 8, Lines 15-20 and Figure 1**), interactive communications session through the wireless network using the pre-allocated resources of the at least one node (**See Column 7, Lines 1-12 and figure 1; whereas Yao discloses remote unit communication to base station**).

Yao explicitly fails to disclose, packet-switched real-time and the pre-allocated resources include resources relating to a link with a predetermined quality of service.

However, Mizell discloses, packet-switched real-time (**See Abstract and Column 1, Lines 50-63; whereas Mizell discloses, base station is a packet switched network**) and the pre-allocated resources include resources relating to

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a link with a predetermined quality of service (**See Abstract, Column 1, Lines 50-63, Column 5, Lines 58-65 and Column 10, Lines 48-59; whereas Mizell discloses, routing and QoS related information between the BSS and SGSN QoS differentiation**). It would have been obvious at the time the invention was made to an ordinary skill in the art to modify the push to talk system of Yao with packet switched network such as IP network as taught by Mizell because that would provide packet switched network having the predetermined quality of service.

Regarding claim 13, Yao discloses, A system (**See Abstract; whereas Yao discloses apparatus for providing an accelerated response to a push to talk origination message**) comprising: an interface to a communications network (**See Column 6, Lines 50-60, Column 8, Lines 15-21 and Figure 1; whereas Yao discloses connection from the air interface through the switch and back to the resource which is creating the forward link broadcast channel**); and

a controller coupled to the interface (**See Column 2, Lines 14-19 and Lines 41-56; whereas Yao discloses a system controller may be employed to create a single signal for the end user from the signal received from the base station**) to: receive a request to pre-allocate call setup resources in the system interactive application (**See Column 7, Lines 1-12 and Figure 1; whereas Yao discloses sends access channel message requesting a traffic channel to base station**);

in response to the request, pre-allocate the call setup resources in the system **(See Column 7, Lines 1-12 and Figure 1; whereas Yao discloses access channel in reverse link channel used by remote unit for communicating to the base station)**;

receive a call setup request after pre-allocating the call setup resources **(See Column 7, Lines 1-12 and Figure 1)**; and

in response to the call setup request, set up a packet-switched real-time, interactive communications session using the pre-allocated call setup resources **(See Column 7, Lines 1-12, Column 8, Lines 15-20 and Figure 1; whereas Yao discloses resources necessary for a connection from the interface through the switch and back to the resource which is creating the forward link broadcast)**.

Yao explicitly fails to disclose, packet-switched real-time and the call setup resources enable the establishment of an Internet Protocol (IP) route having a particular quality of service.

However, Mizell discloses, packet-switched real-time **(See Abstract and Column 1, Lines 50-63; whereas Mizell discloses, base station is a packet switched network)** and call setup resources enable the establishment of an Internet Protocol (IP) route having a particular quality of service **(See Abstract, Column 1, Lines 50-63 and Column 10, Lines 48-59; whereas Mizell discloses, base station is a packet switched network such as IP network, routing and QoS related information between the BSS and SGSN QoS differentiation)**. It would have been obvious at the time the invention was made

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to an ordinary skill in the art to modify the push to talk system of Yao with packet switched network such as IP network as taught by Mizell because that would provide packet switched network such as IP network having the predetermined quality of service.

Regarding claim 19, Yao discloses, An article comprising at least one storage medium containing instructions that when executed cause a system **(See Column 8, Lines 55-63 and Figure 2; whereas Yao discloses both hardware and software, since there is a software, such application would be stored in a memory device)** to:

receive a request to pre-allocate resources interactive application, the pre-allocated resources normally allocated during a call setup procedure **(See Column 7, Lines 1-12 and Figure 1; whereas Yao discloses sends access channel message requesting a traffic channel to base station)**, wherein the pre-allocated resources enable avoidance of allocating the resources during a call setup procedure **(See Column 4, Lines 35-42);**

in response to the request, pre-allocate the resources and store information pertaining to the pre-allocated resources in a storage **(See Column 6, Lines 32-49 and Figure 1; whereas Yao discloses control information);**
and

subsequent to pre-allocating the resources, process a call setup request using the pre-allocated resources **(See Column 7, Lines 1-12 and Figure 1).**

Yao explicitly fails to disclose, packet-switched real-time and the pre-allocated resources include resources relating to a link with a predetermined quality of service.

However, Mizell discloses, packet-switched real-time **(See Abstract and Column 1, Lines 50-63; whereas Mizell discloses, base station is a packet switched network)** and the pre-allocated resources include resources relating to a link with a predetermined quality of service **(See Abstract, Column 1, Lines 50-63, Column 5, Lines 58-65 and Column 10, Lines 48-59; whereas Mizell discloses, routing and QoS related information between the BSS and SGSN QoS differentiation)**. It would have been obvious at the time the invention was made to an ordinary skill in the art to modify the push to talk system of Yao with packet switched network such as IP network as taught by Mizell because that would provide packet switched network having the predetermined quality of service.

Regarding claim 2, Yao discloses, wherein pre-allocating the resources comprises pre-allocating resources of one of a base transceiver system **(See Column 1, Lines 34- 41; whereas Yao discloses having a transceiver)** and base station controller **(See Column 2, Lines 14-19 and Lines 41-56; whereas Yao discloses a system controller may be employed to create a single signal)**.

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Regarding claim 3, Yao discloses, wherein pre-allocating the resources comprises pre-allocating resources of a packet data serving node **(See Column 4, Lines 55- 60; whereas Yao discloses data signal transmitted by the base station)..**

Regarding claim 4, Yao discloses, wherein pre-allocating the resources comprises pre-allocating resources of at least one of a press-to-talk server, voice-over-Internet Protocol server, and a call session control function module **(See Abstract; whereas Yao discloses push-to-talk dispatch system).**

Regarding claim 5, Yao discloses, wherein pre-allocating the resources further comprises allocating link between the at least one node and a second node in the wireless network to carry call control packets for the packet-switched real-time, interactive communications application, wherein the link comprises a dedicated channel **(See Column 1, Lines 19-23 and Figure 3; whereas Yao discloses wireless channel to connect to other wireless and wire line telephone systems).**

Regarding claim 6, Yao explicitly fails to discloses, wherein allocating the dedicated channel between the at least one node and the second node in the wireless network to carry packets for the packet-switched real-time, interactive communications application comprises allocating one of a T1/E1 trunk, Ethernet link, and IP route.

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However, Mizell discloses, allocating the dedicated channel between the at least one node and the second node in the wireless network to carry packets for the packet-switched real-time, interactive communications application comprises allocating one of a T1/E1 trunk, Ethernet link, and IP route (**See Abstract, Column 1, Lines 50-63; whereas Mizell discloses, a packet switch data network such as an IP network is the GPRS protocol with versions completing existing GSM systems and TIA/EIA-136 systems**). It would have been obvious at the time the invention was made to an ordinary skill in the art to modify the push to talk system of Yao with packet switched network such as IP network as taught by Mizell because that would provide packet switched network such as IP network allocating one of a T1/E1 trunk, Ethernet link, and IP route.

Regarding claim 7, Yao discloses, wherein pre-allocating the resources comprises pre-allocating binding information of a mobile station (**See Column 2, Lines 50-56; whereas Yao discloses identifying information about the remote unit**);

storing the binding information in a base station controller (**See Column 2, Lines 50-56**); and

using the binding information stored in the base station controller for establishing the packet-switched real-time, interactive session in response to the first call setup request (**See Column 2, Lines 46-56; whereas Yao discloses controller sends a message to the new base station with identifying information and commands an establishment communications**).

Yao explicitly fails to disclose, binding information to establish a relationship between a radio domain and a packet domain.

However, Mizell discloses, binding information to establish a relationship between a radio domain and a packet domain **(See Column 1, Lines 64-Column 2, Lines 1-11; whereas Mizell discloses, virtual connection are established between SGSN and each base stations)**. It would have been obvious at the time the invention was made to an ordinary skill in the art to modify the push to talk system of Yao with connection establishment as taught by Mizell because that would provide establishing a relationship between a radio domain and a packet domain.

Regarding claim 8, Yao discloses, wherein pre-allocating the resources comprises pre-allocating user-related information of a mobile station **(See Column 2, Lines 50-56; whereas Yao discloses identifying information about the remote unit)**, the method further comprising:

storing the user-related information in the base station controller **(See Column 2, Lines 50-56);**

using the user-related information stored in the base station controller for establishing the packet-switched real-time, interactive session in response to the first call setup request **(See Column 2, Lines 46-56; whereas Yao discloses controller sends a message to the new base station with identifying information and commands an establishment communications)**.

Yao explicitly fails to disclose, the user-related information indicates the predetermined quality of service assigned to the mobile station.

However, Mizell discloses, the user-related information indicates the predetermined quality of service assigned to the mobile station **(See Abstract, Column 1, Lines 50-63, Column 5, Lines 58-65 and Column 10, Lines 48-59; whereas Mizell discloses, routing and QoS related information between the BSS and SGSN QoS differentiation)**. It would have been obvious at the time the invention was made to an ordinary skill in the art to modify the push to talk system of Yao with packet switched network such as IP network as taught by Mizell because that would provide predetermined quality of service assigned to the mobile station.

Regarding claim 9, Yao discloses, wherein pre-allocating the resources comprises pre-allocating binding information of a group of mobile stations **(See Column 2, Lines 50-56)**, the method further comprising:

storing the binding information in a base station controller **(See Column 2, Lines 50-56)**;

using the binding information stored in the base station controller for establishing the packet-switched real-time, interactive session in response to the first call setup request **(See Column 2, Lines 46-56; whereas Yao discloses controller sends a message to the new base station with identifying information and commands an establishment communications)**.

Yao explicitly fails to disclose, binding information to establish a relationship between a radio domain and a packet domain.

However, Mizell discloses, binding information to establish a relationship between a radio domain and a packet domain **(See Column 1, Lines 64-Column 2, Lines 1-11; whereas Mizell discloses, virtual connection are established between SGSN and each base stations)**. It would have been obvious at the time the invention was made to an ordinary skill in the art to modify the push to talk system of Yao with connection establishment as taught by Mizell because that would provide establishing a relationship between a radio domain and a packet domain.

Regarding claim 10, Yao discloses, further comprising: in response to an event, a management system sending a request to pre-allocate resources to the at least one node, wherein pre-allocating the resources is performed in response to the request to pre- allocate **(See Column 7, Lines 1-12)**.

Regarding claim 11, Yao discloses, sending the request to pre-allocate is performed during a provisioning process **(See Column 7, Lines 1-12)**.

Regarding claim 12, Yao discloses, pre-allocating the resources is performed in response to initiation of a mobile station **(See Column 7, Lines 1-12)**.

Regarding claim 14, Yao discloses, the pre-allocated call setup resources include at least one of hardware, software, and communications elements of the system, wherein the pre- allocated call setup resources enable avoidance of allocating the pre-allocated call setup resources during a call setup procedure in response to the call setup request **(See Column 8, Lines 55-63 and Figure 2; whereas Yao discloses both hardware and software).**

Regarding claim 15, Yao discloses, the pre-allocated call setup resources include at least one of user-related information, binding information, and mobility information, the system further comprising a storage to store the at least one of user-related information, binding information **(See Column 2, Lines 50-56)**, and mobility information, the controller to set up the packet-switched real-time, interactive communications session in response to the call request using the at least one of the user-related information, binding information, and mobility information **(See Column 2, Lines 46-56).**

Regarding claim 16, Yao discloses, the pre-allocated call setup resources further comprise a dedicated channel between the system and another node in a wireless network **(See Column 1, Lines 19-23 and Figure 3; whereas Yao discloses wireless channel to connect to other wireless and wire line telephone systems).**

Regarding claim 17, Yao discloses, comprising one of a base transceiver system (**See Column 1, Lines 34- 41; whereas Yao discloses having a transceiver**), base station controller (**See Column 2, Lines 14-19 and Lines 41-56; whereas Yao discloses a system controller may be employed to create a single signal**), and packet data serving node of a wireless network (**See Column 4, Lines 55- 60; whereas Yao discloses data signal transmitted by the base station**).

Regarding claim 18, Yao discloses, the packet-switched real-time, interactive application comprises at least one of a press-to-talk application, voice-over-Internet Protocol application, text chat application, and instant messaging application (**See Abstract and Column 6, Lines 9-12; whereas Yao discloses push-to-talk dispatch system**).

Regarding claim 20, Yao discloses, wherein the pre-allocated resources include at least one of user-related information, binding information, and mobility information, wherein the system comprises a base station controller having the storage to store the at least one of the user-related information, binding information, and mobility information (**See Column 2, Lines 41-56**).

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Regarding claim 21, Yao explicitly fails to disclose, wherein the link includes an Internet Protocol (IP) route having the predetermined quality of service.

However, Mizell discloses, link includes an Internet Protocol (IP) route having the predetermined quality of service (**See Abstract, Column 1, Lines 50-63 and Column 10, Lines 48-59; whereas Mizell discloses, base station is a packet switched network such as IP network and QoS differentiation**). It would have been obvious at the time the invention was made to an ordinary skill in the art to modify the push to talk system of Yao with packet switched network such as IP network as taught by Mizell because that would provide packet switched network such as IP network having the predetermined quality of service.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory

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action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARWAT CHUGHAI whose telephone number is (571)270-7272. The examiner can normally be reached on Mon-Thurs 8:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SARWAT CHUGHTAI/

Examiner, Art Unit 2617

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617